

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Kirschner et al.	Group No.	1616
Serial No.:	10/709,870	Examiner:	Frank CHOI
Filed:	June 2, 2004	Conf. No.	3869
For:	NUTRITIONAL FORMULATIONS		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 28, 2008

RESPONSE TO RESTRICTION REQUIREMENT

TO THE ASSISTANT COMMISSIONER FOR PATENTS,

SIR:

In response to the Restriction Requirement mailed January 10, 2008, Applicants make the following election and response. Applicants elect, with traverse, Invention I, encompassing claims 1-29. In making this election, Applicants reserve all rights in claims 30-88 including the right to file divisional and/or continuation applications thereto.

Applicants respectfully traverse the restriction requirement because the point of novelty corresponding to what the Examiner considers Applicants' three distinct inventions, are common to all of the pending claims. Applicants respectfully assert that the extent of any divergence in scope between the claims is made in an effort to reflect the scope of Applicants' invention and does not constitute a claim to a separate invention. Consequently, the restriction requirement should be withdrawn and all pending claims should be examined together as all pending claims share a common point of patentability, can be searched in a single search, and the combined search does not constitute an undue burden on the Examiner.